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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,998	09/18/2003	J. Oliver Dolly	17259-CON (B07)	1940

7590 10/12/2006
Carlos A. Fisher
ALLERGAN, INC.
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EXAMINER

FALK, ANNE MARIE

ART UNIT	PAPER NUMBER
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1632

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/667,998

Examiner

Anne-Marie Falk, Ph.D.

Applicant(s)

DOLLY ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 24 July 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: see attached letter.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Anne-Marie Falk

ANNE-MARIE FALK, PH.D.
PRIMARY EXAMINER

Legal Instruments Examiner (LIE), if applicable

Telephone No.

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Serial Number	Filing Date	First Named Applicant	Attorney Docket No.
10/667,998	9/18/2003	Dolly et al.	17259 CON (BOT)

EXAMINER	
Anne-Marie Falk, Ph.D.	
ART UNIT	PAPER NUMBER
1632	0906

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The amendment filed on July 24, 2006 is non-compliant because of the following omission(s) or matter(s):

The amendment has not been entered.

The amendment format does not comply with the requirements of 37 CFR 1.121. 37 CFR 1.121(c) provides that the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), (Not entered), and (Withdrawn – currently amended). In the amendment of 7/24/06, Claim 25 has been newly added, but is presented using the status identifier “previously presented.” It is noted that, at page 6 of the response, Applicants state

“Additionally, Claim numbers were inadvertently left off two claims from the previous submission. Thus, the previously filed unnumbered claim “The method of claim 11 wherein said agent comprises ninjurin” is now numbered Claim 22; the previously filed unnumbered claim “The method of claim 11 wherein said agent comprises neural agrin” is now numbered Claim 24; previously filed Claim 24 is now numbered Claim 25.”

On the contrary, however, the claims as originally filed were properly numbered. No unnumbered claims were present as Applicants now contend and the claim language of Claim 25 as presented in the amendment filed 7/24/06 was not the claim language of “previously filed Claim 24,” as Applicants now contend. Applicants are invited to view the Office’s copy of the originally filed claims in PAIR to assist them in preparing a compliant amendment. Applicants appear to be under the impression that a preliminary amendment was filed in this case. However, no preliminary amendment to the claims has been received. Appropriate correction is required. See 37 CFR 1.121(c).

As a further issue, amendments to Claims 1-3 have been made without proper markings to indicate the changes being made and the status of the claims should therefore be “(Currently amended)” instead of “(Previously presented). 37 CFR 1.121(c)(2) provides that all claims being currently amended in an amendment paper shall be presented with markings to indicate the changes that have been made relative to the immediate prior version of the claim. Applicants are again invited to view the Office’s copy of the originally filed claims in PAIR. Appropriate correction is required. See 37 CFR 1.121(c).

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Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)**. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk, Ph.D. whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.

Anne-Marie Falk
ANNE-MARIE FALK, PH.D.
PRIMARY EXAMINER